

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

United States of America,

Plaintiff,

v. MARCEL AUEY

Defendant.

) Case No. CR 17-00053 JD
)

) STIPULATED ORDER EXCLUDING
)

) TIME UNDER THE SPEEDY TRIAL ACT
)

For the reason stated by the parties on the record on 4/26, 2017, the Court excludes time under the Speedy Trial Act from 4/26, 2017, to 6/14, 2017 and finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial. *See 18 U.S.C. § 3161(h)(7)(A).* The Court makes this finding and bases this continuance on the following factors:

- ____ Failure to grant a continuance would be likely to result in a miscarriage of justice. *See 18 U.S.C. § 3161(h)(7)(B)(I).*
- ____ The case is so unusual or so complex, due to [circle applicable reasons] the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or the trial itself within the time limits established by this section. *See 18 U.S.C. § 3161(h)(7)(B)(ii).*
- ____ Failure to grant a continuance would deny the defendant reasonable time to obtain counsel, taking into account the exercise of due diligence. *See 18 U.S.C. § 3161(h)(7)(B)(iv).*
- ____ Failure to grant a continuance would unreasonably deny the defendant continuity of counsel, given counsel's other scheduled case commitments, taking into account the exercise of due diligence. *See 18 U.S.C. § 3161(h)(7)(B)(iv).*
- Failure to grant a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See 18 U.S.C. § 3161(h)(7)(B)(iv).*
- ____ For the reasons stated on the record, it is further ordered that time is excluded under 18 U.S.C. § 3161(b) and waived with the consent of the defendant under Federal Rules of Criminal Procedure 5.1(c) and (d).
- ____ For the reasons stated on the record, it is further ordered that time is excluded under 18 U.S.C. § 3161(h)(1)(E)(F) for delay resulting from removal/transport of the defendant to another district.

IT IS SO ORDERED.

DATED: April 26, 2017

STIPULATED: Marcel Auey
Attorney for Defendant


DONNA M. RYU
United States Magistrate Judge


Assistant United States Attorney

FILED
APR 26 2017
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA